

REMARKS

In the Office Action of July 17, 2003, Examiner Ferguson rejected to Claims 1 through 7 under 35 U.S.C. § 103(a) as being unpatentable over Widegren et al., U.S. Patent Number 6,374,112, in view of Laakso, U.S. Patent Application Publication Number 2003/0003921 A1. Moreover, the Examiner has rejected to Claims 8 and 9 under 35 U.S.C. § 103(a) as being unpatentable over Widegren et al., in view of Rikkinen et al., U.S. Patent Number 6,031,827.

Applicant respectfully traverses Examiner Ferguson's obviousness rejection. Applicant believes the combination of the teachings of Widegren et al. and Laakso fails to teach Applicant's invention. More particularly, the Examiner states that "Laakso teaches a method of resource allocation (paragraph 0010) comprising the steps of determining the current proportions of each rate (load) traffic in telecommunication cell (paragraph 0100); and applying a threshold to the loading level in said cell in accordance with the determined proportion (paragraphs 0060 and 0061)." Applicant disagrees with this interpretation. In contrast, Applicant points to the following passages (paragraphs 0010, 0060, and 0061) of Laakso as disclosing:

- (1) (per paragraph 0100) a first method of load control, namely: monitoring the loading on a cell and if it exceeds a first reference value (i.e. load threshold), manipulating power control to decrease transmission power levels in the cell, and
- (2) (per paragraph 0060) in a second stage of load control, non-real time (NRT) transmissions can be rescheduled i.e. packets for non-time critical types of services can be postponed, and
- (3) (per paragraph 0061) a second method of load control can be applied e.g. at the same time or after the first method of load control, the second method

can be triggered by a second reference value, i.e. load threshold, being reached.

Applicant submits that Laakso does not disclose the limitations recited in Claim 1 - namely, determining the current proportions of traffic of each rate and applying a threshold to the loading level dependent upon the determined proportions. By logical extension, Applicant advances claim 1 would not be derivable by one of ordinary skill upon combining the Widegren et al. reference in view of the Laakso reference. Applicants further submit that as Claims 2 to 7 are dependent on Claim 1, and therefore are also non-obvious over the Widegren et al. reference in view of the Laakso reference.

Moreover, Applicant respectfully traverses Examiner Ferguson's rejection of dependent Claims 8 and 9. Applicants advance that Claim 8 recites that "each base transceiver station is arranged to apply a variable threshold to the loading level in the cell dependent upon the determined proportions." However, Applicants cannot find a teaching or suggestion of this feature in either the Widegren et al. reference and/or the Rikkinen et al. reference.

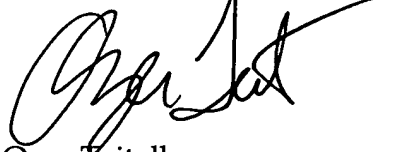
Applicant directs the Examiner to column 4, line 7 and column 7, line 38 of the Rikkinen reference. Here, Applicant submits that the Rikkinen reference apparently mentions a "single traffic load" - i.e., without differentiation of the proportions of traffic of different rates. Applicant contends that this teaching is indirect contrast with the Examiner's suggestion Rikkinen discloses determining proportions of traffic of different rates.

Further, Applicants also note that paragraphs 0060 and 0061 of the Laakso reference relate to the disclosure outlined in points (2) and (3) denoted above. This disclosure is not relevant to claim 8.

Applicants contend that as Claim 9 depends from Claim 8, Claim 9 is also non-obvious over Widegren et al. in view of Rikkinen et al. and Laakso.

Applicant believes that a full and complete response has been made to Examiner Ferguson's Office Action. Thus, in view of the hereinabove remarks, Applicant respectfully requests allowance of their patent application and its claims. To that end, if the Examiner feels that a conference might expedite the prosecution of this case, the Examiner is cordially invited to call the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ozer Teitelbaum', with a long horizontal flourish extending to the right.

Ozer Teitelbaum
Attorney for the Applicant
Reg. No. 36698
973-386-8803

Date: September 15, 2003

**Docket Administrator (Room 3J-219)
Lucent Technologies Inc.
101 Crawfords Corner Road
Holmdel, NJ 07733-3030**